

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW, STATE : Master File No.  
LAW AND INSURANCE LITIGATION : 08 Civ. 11117 (TPG)  
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This Document Relates to: : ECF CASES  
: Electronically Filed  
State Law Actions, 08 Civ. 11183 (TPG); :  
Securities Actions, 08 Civ. 11212 (TPG); :  
Insurance Actions, 09 Civ. 557 (TPG) :  
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**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO RULE 60 MOTION  
TO VACATE THE FINAL JUDGMENT**

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Positive Corp., and for the benefit of Nominal  
Defendants, and Daniel Jackson and Laborers Local  
Pension Plan 17*

Plaintiffs in the Securities Subclass and the State Law Subclass (the “Plaintiffs”) hereby join in the Tremont Defendants’ Memorandum of Law in Opposition (Dkt. 806) to the Rule 60 Motion to Vacate the Final Judgment filed by Objectors Madelyn Haines and Paul Zamrowski (collectively “Haines”) (Dkt. 799-801).

In the interest of judicial economy, Plaintiffs hereby adopt and incorporate the legal arguments and authorities set forth in the Tremont Defendants’ Memorandum of Law in Opposition (the “Tremont Memorandum”) for the sole purpose of opposing Haines’ motion.

Lead Counsels’ representations were true at the time of the settlement hearing on August 8, 2011 and still remain true today. As explained in the Tremont Memorandum and as explained to Haines’ counsel previously, no non-Madoff assets of the Tremont Funds were used to fund a settlement with the bankruptcy court Trustee appointed to oversee the liquidation of Bernard L. Madoff Investment Securities, LLC. Accordingly, there were no misrepresentations and there is no basis to vacate the Final Judgment.

For the reasons set forth in the Tremont Memorandum, Plaintiffs respectfully submit that Haines’ motion should be denied in all respects.

Dated: New York, New York  
September 17, 2012

Respectfully submitted,

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